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ELCA - SOUTHEASTERN SYNOD  
**POLICIES AND PROCEDURES**  
FOR RESPONDING TO ALLEGATIONS OF  
**SEXUAL MISCONDUCT IN THE CHURCH**  
BY ELCA ROSTERED PERSONS

**STATEMENT OF POSITION**

Within the Evangelical Lutheran Church in America, persons who are rostered for ministry agree to abide by commonly held values and norms for the ethical conduct of ministry. These values and norms are expressed in "Vision and Expectations" for rostered persons of the ELCA:

*"The expectations of this church regarding the sexual conduct of its ordained and commissioned ministers are grounded in the understanding that human sexuality is a gift from God and that all baptized Christians are to live in such a way as to honor this gift. All who serve in public ministry are expected to reject sexual promiscuity, the manipulation of others for the purposes of sexual gratification, and all attempts of sexual seduction of others. Single persons are expected to live a chaste life. Married persons are expected to live in fidelity to their spouses, giving expression to sexual intimacy within a marriage relationship that is mutual, chaste, and faithful. Ordained and commissioned ministers who are homosexual in their self-understanding are expected to abstain from homosexual sexual relationships." ["Visions and Expectations," AIM, p.10; also see p. 13 "Visions and Expectations," ordained.]*

Sexual misconduct is unethical behavior which provides the basis for disciplinary action within the synod where ministerial authorization is held.

The rostered person is responsible and accountable for his or her behavior because of the authority of the office. The person is inherently in a position of power and authority relative to parishioners, clients, staff, volunteers, students and others. Conversely, those with whom the rostered person is in a ministerial relationship are vulnerable relative to that power and authority. This imbalance of power is inherent within human relationships within the Church. Inappropriate

sexual contact or sexualized behavior within the relationship between a rostered person and another is a violation of ethics because an authorized rostered person is in a position of authority and power over those being served. It is the rostered person's moral responsibility to use this power and authority for the benefit of those being served.

## **DEFINITIONS**

1. **Rostered Persons**: Rostered persons include ordained pastors, associates in ministry, diaconal ministers and deaconesses in the Evangelical Lutheran Church in America.

2. **Sexual Misconduct**: Sexual misconduct occurs when any Rostered Person engages in sexual contact or sexualized behavior with any person with whom there is a professional relationship. Such a relationship exists whenever the bond between the parties involved is primarily a result of the Rostered Person's role and identity in the ELCA. Sexual misconduct includes: (1) physical sexual contact within a professional relationship, whether or not consent is given or implied; (2) sexual conduct injurious to the physical or emotional health of another such as offensive, obscene or suggestive language, unacceptable visual contact, seductive behavior, unwelcome touching or fondling; (3) rape or sexual contact by force, threat or intimidation; (4) child abuse; or (5) sexual harassment.

(A) **Sexual Harassment**: Sexual harassment is defined as unwelcome sexual advances, requests for favor and other verbal conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's work or role in the church; (2) submission to or rejections of such conduct by an individual is used as the basis for employment decisions or membership status affecting such an individual; (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or voluntary involvement by creating an intimidating, hostile or offensive

environment.

(B) **Child Sexual Abuse**: Any type of sexual misconduct directed toward or involving a minor or person who is legally incompetent, including, but not limited to use of inappropriately suggestive language of a sexual nature, inappropriate touching of private body parts, exposure to pornography or involvement of the minor in pornographic activities.

3. **Complainant**: The Complainant is the person who brings an allegation that misconduct has occurred.

4. **Alleged Victim**: The Alleged Victim is the person alleged to have been injured by sexual misconduct. The Alleged Victim and the Complainant may be the same person, but not necessarily.

5. **Coordinator**: The Bishop shall appoint a specially trained person to serve as the Coordinator. This person shall receive special training in responding to allegations of sexual misconduct involving rostered persons and in the investigative procedures established by the synod. The Coordinator has primary responsibility for implementing the investigatory procedure and mobilizing the persons and resources necessary to respond to an allegation of sexual misconduct. The Coordinator will convene, coordinate and manage other participants who may perform the interviewing, intervention, adjudication and pastoral care.

6. **LSAP Task Force**: The Leadership Sexual Abuse Prevention Task Force (LSAP) is comprised of persons selected and trained to relate to complainants and victims. A list of members of the LSAP task force is available in a form accessible to all rostered persons and congregations, congregational staffs and membership. The Complainant may report an incident of sexual misconduct to any member of the LSAP, to the Bishop, or the Coordinator.

7. **Interview Team**: The Coordinator and/or the Bishop will usually conduct the inquiry into the complaint. In special circumstances a member of the LSAP task force may be chosen by the Coordinator and/or Bishop to participate in the inquiry. The interview Team will normally include a

male and a female.

## **OBJECTIVES**

The objectives of these policies and procedures are:

1. To make the church a safe place for all;
2. To minimize the pain, hurt and suffering experienced by all who are affected by allegations of sexual misconduct. This includes the victims of misconduct, those who are accused, their families and the congregation (or other setting) wherein the abuse is alleged to have taken place;
3. To discern the truth and take action that will result in healing and justice:
  - A. Healing and restoration to wholeness for all those who have been harmed or injured.
  - B. Justice that acknowledges the harm that has occurred, has compassion for those who have been wronged, protects the vulnerable, respects privacy, ensures that those responsible accept accountability for their role and vindicates those who have been wronged, either by the abuse of power or by false allegation.
4. To reconcile broken relationships and restore persons to community through grace and forgiveness based on healing and justice. It is not possible for reconciliation and restoration to occur without healing and justice for all involved.

## **PROCEDURES**

Every report of sexual misconduct by a Rostered Person involves unique people and unique circumstances. These procedures describe the general approach that the synod will follow in

responding to reports of sexual misconduct by a Rostered Person. It will not be appropriate or even possible for the synod to follow this approach in every case. The synod reserves the right to depart from these procedures.

### **1. Initial Contact**

The initial contact will ordinarily be made by a Complainant to a member of the LSAP, the Coordinator and/or the Synod Bishop. In the event that an incident of sexual misconduct is reported to any other individual, the Complainant may be placed in contact with the Bishop, Coordinator, or an LSAP member. The Bishop and/or Coordinator will hear fully, promptly, and confidentially any Complainant who comes forward to them, assure the Complainant that the church takes allegations of sexual misconduct seriously, provide information about the synodical procedure and respond with concern. When appropriate, the Bishop will make provision for the pastoral care of the Complainant.

### **2. Interview**

The LSAP member to whom an incident of sexual misconduct is reported shall, with the permission of the Complainant, report the complaint to the Coordinator and/or the Bishop who will make an initial review of the situation. The purpose of this review is to determine what additional investigation is necessary, whether there may be additional complainants, how the complaint can best be documented and corroborated, whether state law may have implications in the process, whether other synods need to be involved, whether immediate intervention with the Rostered Person in question is necessary, and like matters.

This inquiry shall begin promptly. The Coordinator and/or Bishop shall oversee the investigatory procedure to ensure that it is appropriate, thorough and conducted in a timely fashion.

The Complainant and/or the Alleged Victim has the right to be accompanied to any meetings with the Bishop or Coordinator by a support person of his/her choosing, at his/her expense.

### **3. Notice to Rostered Person Against Whom Complaint is Made**

The Bishop and Coordinator shall meet with the Rostered Person against whom a complaint is made. The Rostered person shall be provided with information concerning the synod's policy and procedure. The Rostered Person shall also be given an opportunity to make a response to the complaint.

In appropriate cases, the Bishop and Coordinator shall clarify that the Rostered Person in question is to have no contact with the Complainant and/or Alleged Victim or with the families of the Complainant and/or Alleged Victim. Further, the Rostered Person is not to engage or cause reprisal or retaliation of any kind. Violation of the provision prohibiting contact or reprisal shall be grounds for discipline. The Bishop should also discuss with the Rostered Person recommendations for his/her own pastoral care.

### **4. Case Review**

Following the investigation, including response by the Rostered Person in question, the Coordinator and the Bishop, shall consider the results of the investigation and any recommendation by the Interview Team. The Bishop and Coordinator may then determine whether the case requires one or more of the following: (1) no further action; (2) further investigation; (3) education and training; (4) admonition and/or censure of the Rostered Person; (5) convening a consultation or advisory panel; (6) temporary suspension without prejudice; (7) resignation from the congregation and the roster with a suggested plan for treatment; or (8) proceeding directly to written charges and hearing before a discipline hearing committee. The Bishop may consider whether a leave of absence or temporary suspension pursuant to ELCA 20.21.23 and 20.21.24 are in order. (See addendum.)

Further, the Bishop may recommend that a congregation follow its constitutional guidelines with regard to the discipline of members.

If it is determined that written charges and disciplinary hearing be undertaken, the "Rules Governing Disciplinary Proceedings Against an Ordained Minister or a Rostered Lay Person or a Congregation of the ELCA" shall be followed.

### **5. Disclosure and Follow-Up**

The synod supports and enhances the process of healing for individuals, the congregation and the community through the appropriate disclosure of information. Except in the most unusual of circumstances, disclosure is always necessary. Disclosure needs to be made to those who need to know, including the affected congregations. Experience has demonstrated that where disclosure is made to the congregation served by the Rostered Person in question, the healing within that congregation is better realized, even though the initial trauma may be greater. Synod representatives, including members of the LSAP Task Force should not initiate disclosure which involves revealing the identity of the Complainant and/or Alleged Victim, or facts which would make the Complainant and/or Alleged Victim readily identifiable.

The Bishop and Coordinator, in consultation with ELCA Legal Counsel, should decide how much is to be disclosed to the affected congregations and when any such disclosure should occur. This decision needs to be tailored to the needs of the persons and organizations most affected. It is the policy of the Southeastern Synod that whenever there is an admission of guilt, a resignation from the congregation and the clergy roster, a temporary suspension, or a finding of guilty in a disciplinary proceeding, then disclosure in some form is essential to the healing process of all parties. Disclosure, in consultation with ELCA Legal Counsel, normally will be made to all rostered leaders and licensed lay ministers in the Southeastern Synod.

The Bishop, together with members of the LSAP Task Force, the Coordinator and others whom the Bishop deems appropriate, may assist with long-range follow-up efforts with respect to each case, so that all those affected – individuals, their families, congregations, and the broader community – may experience grace, peace and healing following the crisis.

#### ADDENDUM

ELCA Constitution, Chapter 20, Part 20.21.23

*If there are indications that a cause for discipline exists or if in the course of the proceedings it should become apparent to the bishop of the synod that the pastoral office cannot be conducted effectively in the congregation(s) being served by the ordained minister due to local conditions or that local conditions may be adversely affected by the continued service by the ordained minister, the bishop of the synod may temporarily suspend the pastor from service in the congregation(s) without prejudice and with pay provided through a joint synodical and churchwide fund and with housing provided by the congregations(s).*

Chapter 20, Part 20.21.24

*If there are indications that a cause for discipline exists or if in the course of proceedings it becomes apparent to the bishop of the synod that the circumstances require, the bishop of the synod may temporarily suspend an ordained minister serving under letter of call issued other than by a congregation from the office and functions of ordained ministry without prejudice and without affecting compensation and housing.*

*SM Policies*

## WHO CAN HELP?

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